

REMARKS

Claims 1, 14, and 21 are amended. Claims 1-21 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Claim Objections

The Examiner objects to Claim 14 because of informalities. Applicants amend Claim 14 to more clearly point out that the determination is made between a stereoscopic video image and a multiview video image. Applicants disagree with the Examiner's interpretation of the claim as "whether a three dimensional (i.e., stereoscopic or multiview) video image is present." The claim does not include the word "present" and, therefore, cannot be interpreted as such. Accordingly, withdrawal of the objection to Claim 14 is requested.

II. Claims Rejected Under 35 U.S.C. § 112

Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph, as having insufficient antecedent basis for the limitation "the DecoderConfigDescriptor." Applicants remove the word "the" before "DecoderConfigDescriptor." Accordingly, withdrawal of the rejection of Claim 21 is requested.

III. Claims Rejected Under 35 U.S.C. § 101

Claims 1-21 stand rejected under 35 U.S.C. § 101 as conflicting with the claims of parent Application No. 10/317,861. Due to a failure to respond to the Office Action (mailed March 10, 2006) for the parent application within six months of the mailing date, the parent application is now abandoned. Thus, Claims 1-21 do not conflict with the claims of the parent application. Accordingly, withdrawal of the § 101 rejection is requested.

IV. Claims Rejected Under 35 U.S.C. § 103(a)

Claims 1-7, 12-15 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,423 issued to Oshima et al. ("Oshima") in view of U.S. Patent No. 6,553,147 issued to Chai et al. ("Chai").

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Among other elements, amended Claim 1 recites:

“a compressor for processing input stereoscopic/multiview three-dimensional video data to generate field-based elementary streams of multiple channels, and outputting the multi-channel elementary streams into a single integrated elementary stream, wherein the single integrated elementary stream is formed according to one of a user-selected display modes that include a field-based shuttering display mode and a frame-based shuttering display mode...” (emphasis added).

Oshima does not disclose user-selected display modes including a field-based shuttering display mode and a frame-based shuttering display mode. Rather, Oshima discloses a device that records 3D stereoscopic video and 2D video. Oshima does not mention that the recorded video can be displayed in a field-based shuttering display mode or a frame-based shuttering display mode.

Chai does not cure the defects of Oshima. Chai is relied on for disclosing packetized video and audio. However, Chai does not mention user-selected display modes including a field-based shuttering display mode and a frame-based shuttering display mode. Thus, Oshima in view of Chai does not teach or suggest each of the elements of amended Claim 1.

Analogous discussions apply to independent Claim 14, which is amended to include similar limitations. Claims 2-7, 12, 13, 15 and 20-21 depend from Claims 1 and 14, respectively, and incorporate the limitations thereof. Thus, for at least the reasons mentioned above in regard to Claims 1 and 14, these dependent claims are non-obvious over the cited references. Accordingly, reconsideration and withdrawal of the § 103 rejection of Claims 1-7, 12-15 and 20-21 are requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date